IN THE HIGH CORT OF UTTARKAHAND AT NAINITAL.

Writ Petition No. 6241 (S/S)2001
(Old no. 22235 of 2000)

1. Rajendra Kumar S/o Sri G.Ram,
   R/o village Sisauna, Post Bhagwanpur,
   Tehsil Roorkee, Disrtict Haridwar,
   Posted as Seasonal Collection Peon,
   In Tehsil Roorkee, District Haridwar,
2. Laabh Singh S/o Sri Ram Kala,
   R/o village Jhabiran, Paragana-Manglaur,
   Tehsil Roorkee, District Haridwar,
   Posted as Seasonal Collection Peon,
   In Tehsil Roorkee, District Haridwar,
3. Rakesh Kumar S/o Atar Singh,
   R/o village Bel Ki Musai Post Ibrahimpur Musai,
   Paragana-Bhagwanpur, Tehsil Roorkee,
   Posted as Seasonal Collection Peon,
   In Tehsil Roorkee, District Haridwar,

----Petitioners.

Vs.

1. District Magistrate, Haridwar,
2. Sub Divisional Magistrate, Roorkee,
   District Haridwar,
3. Tehsildar, Roorkee, Haridwar. ---Respondents.

Sri Dinesh Gahtori, learned counsel for the petitioners.
Sri. N.P. Sah, learned Standing Counsel for the State/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Dinesh Gahtori, learned counsel for the petitioners and N.P. Sah, learned Standing Counsel for the State/respondents.

This writ petition has been filed by the petitioners with the following reliefs:-

i. Issued a writ, order or direction in the nature of certiorari quashing the order dated 5.5.2000 (annexure no. 14) passed by Tehsildar, Roorkee, District Haridwar/respondent no.3,

ii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to

consider the case for being appointed as Seasonal Collection Peon by adhering provision of the Collection Amin Rule 1974 which has been made applicable by this Court to the Seasonal Collection Peon also;

iii. Issue any other suitable writ, order or direction in the nature and circumstances of the case as this Hon'ble Court may deem fit and proper;

iv. Award the cost of the writ petition.

The petitioners have submitted that the petitioner no. 1 & 3 were appointed in the year 1986 as Seasonal Collection Peon and the petitioners no. 2 was appointed, as such, in the year 1991 with the respondents department and since then they were working continuously. The then State of U.P. had made provisions in the Rules of Collection Amin Service Rule 1974 that 35% vacancy in the regular cadre for the Collection Amin, will be filed up by the Seasonal Collection Amin, who had continuously worked for four Faslies and after taking into account of their performance. In this regard the petitioners filed a writ petition no. 1921 of 2000 before the Allahabad High Court, which was disposed of on 13th January 2000 (annexure no.10) with the direction to the District Magistrate to consider the case of the petitioner and pass appropriate orders on the representation of the petitioner.

It is further submitted that the Seasonal Collection Peon can only be appointed keeping in view their seniority as prepared by the Authority and also by taking into account of their work performance in the past. The Tehsildar, Roorkee vide order dated 5.3.2000 has

employed those person who were much junior to the petitioners. In this regard the petitioners made representation before the District Magistrate, Haridwar, but the respondent did not consider their candidature for being employed as Seasonal Collection Peon ignoring their length of service and their performance.

During the course of arguments, learned counsel for the petitioner has submitted that he petitioners may be permitted to file fresh representation before the District Magistrate Haridwar and the Authority concerned may be directed to decide their representation within the period prescribed by this Court.

The prayer is innocuous.

Thus, without entering into the merits of the case, the petitioners are directed to move fresh representation before the respondent no.1, raising all their grievances, within a period of three weeks from today. In case, the petitioners comply with the orders of this Court, the District Magistrate/respondent no. 1 shall decide the representation of the petitioners in accordance with law within a period of four weeks from the date of production of a certified copy of this order alongwith representation.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

November 13, 2007:
NCM: